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5 **UNITED STATES BANKRUPTCY COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**

7 In Re:

8 CECIL MCLEMORE

9 , Debtor

10 Case No. 2010-23252
Hearing Date: May 10, 2010
Hearing Time: 9:00 AM
Courtroom: 28
The Honorable Michael S. McManus
Docket Control No.: RC-1

11 **MOTION FOR ORDER COMPELLING ABANDONMENT OF THE**
12 **ESTATE'S INTEREST IN DEBTOR'S BUSINESS**

13 Richard Allaye Chan of the Allaye Chan Law Group, on behalf of the Debtor herein, hereby
14 moves this Court for an Order Compelling Abandonment of the Estate's interest in the
15 Debtor's Business. This Motion is based on the following facts:

- 16 1. This case was commenced with the filing of a petition on February 11, 2010. Susan
17 Smith was duly appointed to serve as Trustee.
- 18 2. As shown in the filed schedules of this case, the Debtor operates a Building Contractor
19 business. Said business is located at 1126 McKinley Ave, Woodland, Ca 95695. The
20 Debtor's tools of the trade and other business-related assets, if any, have been
21 disclosed in the filed Schedule B and there does not appear to be any business
22 equipment or inventory that can be profitably liquidated by the Trustee over and above
23 (a) the liens, if any, in Schedule D attaching to the business-related assets and (b) the
24 exemptions, if any, in Schedule C claimed by the Debtor. The schedules, as filed with
25 the Court, are incorporated herein by reference.

3. The Debtor is aware that, under the provisions of Title 11, US Codes §721, the Trustee has the authority to operate the Debtor's business; and then, only with an order of the Court. Otherwise, the Trustee is obliged to shut down the business or abandon the estate's interest in the business.
 4. However, the Debtor asserts that, based on the lack of any unexempt equity in any business-related asset, equipment or inventory, there is no benefit to the estate to either operating OR shutting down this business.
 5. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest, including the Debtor, to file a motion seeking to compel the Trustee to abandon property of the estate.

Wherefore, the Debtor moves this Court to issue an Order Compelling the Trustee to Abandon the Estate's Interest in the Debtor's Business.

CERTIFICATION

I, Richard Allaye Chan, hereby certify under penalty of perjury that I have read the foregoing Motion for Order Compelling Abandonment Of The Estate's Interest In Debtor's Business. I further certify that the contents thereof are true and correct to the best of my knowledge and belief. Executed on 4/15/2010 at Sacramento, California.

/s/ Richard Allaye Chan
Richard Allaye Chan
Allaye Chan Law Group